

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

57 East Pleasant Street, LLC  
Plaintiffs,

v.

Berkshire Hathaway GUARD  
Insurance Companies in  
cooperation with Phillips  
Insurance Agency,

And

AmGuard Insurance Company,  
Defendants.

Civil Action No.

**NOTICE OF REMOVAL**

**TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§§ 1332, 1441 and 1446, defendant AmGuard Insurance Company, ("AmGuard"), hereby removes the above-captioned action from the Superior Court of the Commonwealth of Massachusetts, Hampshire County, to the United States Court for the District of Massachusetts.

In support of this Notice of Removal, AmGuard states as follows:

1. This is a civil action in which plaintiffs are alleging violation of M.G.L. c. 93A §11 against the defendant insurance companies, Berkshire Hathaway Guard Insurance Companies and Amguard Insurance Company.

2. Plaintiff served a complaint, pending in Hampshire County, Civil Action No. 1980-CV-00098, on AmGuard on or about June 18, 2019. (Exhibit "A," Middlesex Complaint").

3. This action is removable under 28 U.S.C. §1441(a), which provides in pertinent part, "...any civil action brought in a State Court of which the District Courts of the United States have original jurisdiction, may be removed....".

4. Based upon plaintiff suit allegations, the amount in controversy is in excess of \$25,000. Plaintiff provides no further specificity, though it seeks those damages (in excess of \$25,000) to be trebled pursuant to Mass. G.L.c. 93A (Complaint, Count 3).

5. Plaintiff alleges in its complaint that it is a Massachusetts domestic limited liability company with a principal place of doing business in Amherst, MA.

6. AmGuard is a foreign insurance company with usual place of business in Wilkes-Barre, Pennsylvania and authorized to do business in Massachusetts. Consequently, as this Court has jurisdiction over this case on diversity grounds pursuant to 28 U.S. Code §1332 (a) and (c).

7. The United States District Court for the District of Massachusetts has proper subject matter jurisdiction and venue over this action pursuant to 28 U.S. Code §1441 (a).

8. The time for removal of this action has not expired, as AmGuard was served with the complaint on June 18, 2019.

9. A copy of this notice of removal is being sent to plaintiff counsel (Exhibit "B," Notice of Removal).

10. A civil cover sheet and corporate disclosure have been filed herewith.

11. In accordance Local Rule 81.1 (a) of the United States District Court for the District of Massachusetts, within (28) days after filing of the Notice of Removal, AmGuard will file or cause to be filed with the Clerk of this Court certified or attested copies of the state court record. (Exhibit "C," Notice of Removal to the Middlesex Superior Court).

For these reasons, AmGuard requests that said action currently pending in the Hampshire Superior Court be removed to the United States District Court for the District of Massachusetts.

AMGUARD INSURANCE COMPANY,  
By its attorney,

*/s/ David M. O'Connor*

Dated: July 8, 2019

---

David M. O'Connor  
BBO No. 544166  
O'CONNOR & ASSOCIATES, LLC  
325 Boston Post Road  
Sudbury, MA 01776  
(978) 443-3510  
doconnor@oconnorllc.com

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the above document was served by 1st class mail and email on all counsel of record on July 8, 2019.

/s/ *David M. O'Connor*

---

David M. O'Connor